

CPEL9952342



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Patent Office of the People's Republic of China

Technology Center 2600

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

<b>Applicant</b>	NEC CORPORATION			<b>Seal of Examiner</b>	<b>Date of Issue</b>
<b>Agent</b>	China Patent Agent (H.K.) Ltd.				July 26, 2002
<b>Patent Application No.</b>	99122470.1	<b>Application Date</b>	September 29, 1999	<b>Exam Dept.</b>	
<b>Title of Invention</b>	PACKET PROCESSING APPARATUS PACKET PROCESSING METHOD AND PACKET EXCHANGE				

### *First Office Action*

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, September 29, 1998, at the JP Patent Office, the filing date, \_\_\_\_\_, at the \_\_\_\_\_ Patent Office, the filing date, \_\_\_\_\_, at the \_\_\_\_\_ Patent Office as the priority date of the present application.
- ☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Examination has confirmed that \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted, \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted,
- as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
- ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
- ☐ The examination is conducted in the light of the following application document(s):  
in the original application documents submitted on the filing date:  
Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description, Figure(s)  
of the drawing(s); Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description,  
Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_; Claim(s) \_\_\_\_\_, page (s)  
of the description, Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_
- ☐ Abstract of the description submitted on \_\_\_\_\_.
5. ☐ The present Office Action has been prepared without a search having been conducted.
- ☒ The present Office Action has been prepared with a search having been conducted.
- ☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	JP 7143133A	(Date) June 2, 1995
2	US 5513134	(Date) April 30, 1996
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☒ On the description:
- ☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
- ☒ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
- ☐ Claim \_\_\_\_\_ does not possess novelty as provided in Article 22(2) of the Patent Law.
- ☒ Claims 1-3, 5, 6, 8, 9 do not possess inventiveness as provided in Article 22(3) of the Patent Law.
- ☐ Claim \_\_\_\_\_ does not possess practical applicability as provided in Article 22(4) of the Patent Law.
- ☒ Claims 1, 2, 5, 6, 8, 9, 11, 13 are not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☒ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 4 page(s) and of the following annex(es):

- ☒ 2 duplicate copies of the reference document(s) cited totalling 4+7 page(s).

☐

☐

CPEL9952342



### First Office Action

This application relates to a packet method applied to the layer 2 and layer 3 of OSI reference model, a packet processing apparatus and a packet exchange. Through examination, now the following examination opinions are provided:

The defects exist in the claims:

Claim 1 claims a packet processing apparatus for converting packet data through "a plurality of layers", "a plurality of layers" therein is not defined clearly, thus making the protection scope of said claim unclear, which is not in conformity with the provision of Rule 20, para. 1 of the Implementing Regulations of the Patent Law.

For the same reason as claim 1, using "a plurality of layers" in claims 2, 5, 6, 8, 9, 11 for definition makes the protection scope of said claims unclear, which is not in conformity with the provision of Rule 20, para. 1 of the Implementing Regulations of the Patent Law.

If the applicant clearly defines "a plurality of layers" as "the layer 1, layer 2 and layer 3 of Open System Interconnection reference model", then the above defect can be overcome, the following examination opinions are made on the basis of the above assumption.

Claim 1 claims a packet processing apparatus, the apparatus comprises a packet memory and a shared memory. Ref. 1 (JP7143133A, publication date June 2, 1995) discloses a packet processing apparatus, the apparatus converts packet data through the layer 1, layer 2 and layer 3 of OSI reference model, it comprises a packet memory for storing the entire packet and for the use of the layer 2 and layer 3, the shared memory is used for storing the packet (col. 2, line 45 to col. 6, line 25, Figs. 1-4 of the description). The difference between claim 1 and ref. 1 is that what is stored in the shared memory of the packet processing apparatus is part of each packet, but not the entire packet, and different layers access the shared memory through different buses. Ref. 2 (US5513134, publication date Apr. 30, 1996) discloses an ATM conversion apparatus using a shared memory, the apparatus converts cells by separating the header portion of each cell from a load portion and by storing the header information and making the corresponding processing (col. 2, line 6 to line 29 of the description and claim 1). It belongs to publicly-known general knowledge of this technical field that different processing means access the shared memory through physically different memory buses. The technical fields of ref. 1 and ref. 2 are identical, it is obvious to ordinary persons skilled in the art to obtain the technical solution claimed in said claim on the basis of ref. 1 and in combination with ref. 2 and in combination with the publicly-known general knowledge in this technical field, besides, their combination doesn't produce any unexpected technical results, besides, their combination doesn't produce any

unexpected technical results, therefore claim 1 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress.

Claim 2 claims a packet processing apparatus, the apparatus comprises a packet memory and a shared memory. Ref. 1 discloses a packet processing apparatus, the apparatus converts packet data through the layer 1, layer 2 and layer 3 of OSI reference model, it comprises a packet memory for storing the entire packet and for the use of the layer 2 and layer 3, the shared memory is used for storing the packet (col. 2, line 45 to col. 6, line 25, Figs. 1-4 of the description). The difference between claim 2 and ref. 1 is that what is stored in the shared memory of the packet processing apparatus is part of each packet, but not the entire packet. Ref. 2 discloses an ATM conversion apparatus using a shared memory, the apparatus converts cells by separating the header portion of each cell from a load portion and by storing the header information and making the corresponding processing (col. 2, line 6 to line 29 of the description and claim 1). The technical teaching of the technical solution of claim 2 can be obtained by applying the above distinguishing technical features of ref. 2 to ref. 1, therefore claim 2 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress.

Claim 3 refers to claim 2, its additional technical feature has been disclosed in ref. 2, the conversion apparatus of ref. 2 comprises means for separating headers of cells and means for storing and processing the headers (col. 2, line 6 to line 29 of the description and claims 1 and 6). Therefore claim 3 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress over the prior art.

Claim 5 claims a packet processing method. Ref. 1 discloses a packet processing method, the method converts data through the layer 1, layer 2 and layer 3 of OSI reference model, it comprises the steps of: storing an entire packet to a packet memory, and storing the data used by the layer 2 and layer 3 to a shared memory, the shared memory is jointly used by the layer 2 and layer 3 for accessing data (col. 2, line 45 to col. 6, line 25, Figs. 1-4 of the description). The difference between claim 5 and ref. 1 is that what is stored in the shared memory is part of each packet, but not the entire packet. Ref. 2 discloses a cell conversion method, the method comprises the step of separating headers of cells and the step of storing and processing the headers of the cells, and the cells are converted by processing the headers (col. 2, line 6 to line 29 of the description and claim 9). The technical teaching of the technical solution of claim 5 can be obtained by applying the above distinguishing technical features of ref.

2 to ref. 1, therefore claim 5 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress.

Claim 6 claims “A packet processing method ...”. Ref. 1 discloses a packet processing method, the method converts data through the layer 1, layer 2 and layer 3 of OSI reference model, it comprises the steps of: storing an entire packet to a packet memory, and storing the data used by the layer 2 and layer 3 to a shared memory, the shared memory is jointly used by the layer 2 and layer 3 for accessing data (col. 2, line 45 to col. 6, line 25, Figs. 1-4 of the description). The difference between claim 6 and ref. 1 is that what is stored in the shared memory is part of each packet, but not the entire packet. Ref. 2 discloses a cell conversion method, the method comprises the step of separating headers of cells and the step of storing and processing the headers of the cells, and the cells are converted by processing the headers (col. 2, line 6 to line 29 of the description and claim 9). The technical teaching of the technical solution of claim 6 can be obtained by applying the above distinguishing technical features of ref. 2 to ref. 1, therefore claim 6 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress.

Claim 8 claims a packet exchange, the constituent parts of the exchange are identical with those of the packet processing apparatus of claim 1,



merely the title of the subject matter is changed, but the claimed substantive contents are identical. For the same reasons as claim 1, claim 8 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress over the prior art.


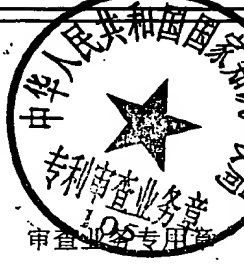
Claim 9 claims a packet exchange, the constituent parts of the exchange are identical with those of the packet processing apparatus of claim 2, merely the title of the subject matter is changed, but the claimed substantive contents are identical. For the same reasons as claim 2, claim 9 is not in conformity with the provision on inventiveness of Art. 22, para. 3 of the Patent Law for failure to possess prominent substantive features, nor represent a notable progress over the prior art.


Claim 11 claims a packet exchange, the statement, a layer 3 processing portion for updating the header portion when necessary, is not clear, thus making the protection scope of said claim unclear, which is not in conformity with the provision of Rule 20, para. 1 of the Implementing Regulations of the Patent Law.

Claim 13 refers to claim 11, the parentheses beyond drawing ref. signs are used therein and the explanatory statements are used, which is not in conformity with the provision of Rule 20, para. 4 of the Implementing Regulations of the Patent Law.

For the above reasons, the present application text still cannot be patent-granted for the above defects exist. The applicant should amend the application documents according to the above examination opinions within the time limit of four months for response prescribed in this Office Action to overcome the existed defects, otherwise the examiner will consider to reject this application. The applicant is requested to note that when the amendment is made, adaptive amendment should be made to the description under the provision of Rule 18 of the Implementing Regulations of the Patent Law, moreover, the amendment to the application documents shall conform with the provision of Art. 33 of the Patent Law and shall not go beyond the scope of the disclosure contained in the initial description and claims.

# 中华人民共和国国家知识产权局

邮政编码: 100032 北京市西城区金融街 27 号投资广场 B 座 19 层 中国专利代理(香港)有限公司 北京办事处 王 忠 忠			
申请号	99122470.1	部门及通知书类型	9-C
申请人	日本电气株式会社		
发明名称	分组处理设备、分组处理方法和分组交换		



## 第一次审查意见通知书

9952342 孙

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在:
 

\_\_\_\_\_ 日 本 \_\_\_\_\_ 专利局的申请日 1998 年 9 月 29 日为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 申请人于 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日和 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交了修改文件。  
 经审查, 其中: \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的 \_\_\_\_\_ 不能被接受;  
 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的 \_\_\_\_\_ 不能被接受;  
 因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。  
 修改不能被接受的具体理由见通知书正文部分。
4. ☒ 审查是针对原始申请文件进行的。  
☐ 审查是针对下述申请文件的:
 

申请日提交的原始申请文件的权利要求第 \_\_\_\_\_ 项、说明书第 \_\_\_\_\_ 页、附图第 \_\_\_\_\_ 页;  
 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的权利要求第 \_\_\_\_\_ 项、说明书第 \_\_\_\_\_ 页、附图第 \_\_\_\_\_ 页;  
 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的权利要求第 \_\_\_\_\_ 项、说明书第 \_\_\_\_\_ 页、附图第 \_\_\_\_\_ 页;  
 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的权利要求第 \_\_\_\_\_ 项、说明书第 \_\_\_\_\_ 页、附图第 \_\_\_\_\_ 页;  
 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的说明书摘要, \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日提交的摘要附图。
5. ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

10 DEC 2002

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
 2201 2001.7 (注: 凡寄给审查员个人的信函不具有法律效力)

编号	文件号或名称	公开日期
1	JP7143133A	1995 年 06 月 02 日
2	US5513134	1996 年 04 月 30 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☒ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☒ 说明书的撰写不符合实施细则第 18 条的规定。

☐

☒ 关于权利要求书:

☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求 1-3, 5, 6, 8, 9 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☒ 权利要求 1, 2, 5, 6, 8, 9, 11, 13 不符合专利法实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的2个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 4 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 2 份 4+7 页。 ☐

审查 九 部

审查员 向琳

审查部门业务专用章

(未加盖审查业务专用章的通知书不具备法律效力)

## 第一次审查意见通知书正文

本申请涉及应用于 OSI 参考模型的第 2 层、第 3 层的分组方法，分组处理设备和分组交换机。经审查，现提出如下审查意见：

权利要求书中存在的问题：

权利要求 1 要求保护通过“多个层”变换分组数据的分组处理装置，其中“多个层”限定不清楚，造成权利要求 1 的保护范围不清楚，不符合专利法实施细则第二十条第一款的规定。

基于与权利要求 1 同样的理由，权利要求 2，5，6，8，9 和 11 中使用“多个层”进行限定造成上述权利要求限定的保护范围不清楚，不符合专利法实施细则第二十条第一款的规定。

申请人若将上述“多个层”清楚地限定为“开放式系统互连参考模型的第 1、2 和 3 层”则可克服上述缺陷，以下审查意见基于上述假定而作出。

权利要求 1 要求保护一种分组处理装置，该装置包括一个分组存储器和一个共享存储器。对比文件 1 (JP7143133A，公开日为 1995 年 6 月 2 日) 公开了一种分组处理装置，该装置通过 OSI 参考模型的第 1 层、第 2 层和第 3 层交换分组数据，包括用于一个用于存储整个分组的分组存储器和供第 2 层和第 3 层使用的共享存储器，该共享存储器用于存储分组（说明书第 2 栏第 45 行至第 6 栏第 25 行，附图 1-4）。权利要求 1 与对比文件 1 的区别为该分组处理装置中的共享存储器存储的是分组的一部分而不是整个分组，而且不同的层通过不同的总线对共享存储器进行存取。对比文件 2 (US5513134，公开日为 1996 年 4 月 30 日) 公开了一种使用共享存储器的 ATM 交换设备，该设备通过将每个信元的信头部分和负载部分相分离，通过对信头信息进行存储和进行相应的处理来交换信元（说明书第 2 栏第 6 行至第 29 行，权利要求 1）。而不同的处理设备可以通过物理上不同的存储器总线对共享存储器进行访问是本技术领域的公知常识。对比文件 1 和对比文件 2 技术领域相同，在对比文件 1 的基础上结合对比文件 2，并结合所属技术领域中的公知常识，得出权利要求 1 所要求保护的技术方案，对本技术领域的普通技术人员来说是显而易见的，而且它们的结合没有产生预料不到的技术效果，因此权利要求 1 不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 2 要求保护一种分组处理装置，该装置包括一个分组存储器和一个共享存储器。对比文件 1 公开了一种分组处理装置，该装置通过 OSI 参考模型的第 1 层、第 2 层和第 3 层交换分组数据，包括一个用于存储整个分组的分组存储器和供第 2 层和第 3 层使用的共享存储器，该共享存储器用于存储分组（说明书第 2 栏第 45 行至第 6 栏第 25 行，附图 1-4）。权利要求 2 与对比文件 1 的区别为该分组处理装置中的共享存储器存储的是分组的一部分而不是整个分组。对比文件 2 公开了一种使用共享存储器的 ATM 交换设备，该设备通过将每个信元的信头部分和负载部分相分离，通过对信头信息进行存储和处理来交换信元（说明书第 2 栏第 6 行至第 29 行，权利要求 1）。对比文件 2 给出了将上述区别技术特征应用于对比文件 1 中得到权利要求 2 的技术方案的技术启示。因此，权利要求 2 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 3 引用权利要求 2，其附加技术特征被对比文件 2 公开，对比文件 2 的交换设备包括分离信元信头的设备以及对该信头进行存储和处理的设备（说明书第 2 栏第 6 行至第 29 行，权利要求 1 和 6）。因此，权利要求 3 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 5 要求保护一种分组处理方法，对比文件 1 公开了一种分组处理方法，该方法通过 OSI 参考模型的第 1、第 2 和第 3 层进行数据交换。该方法包括步骤：存储整个分组到一个分组存储器；和存储第 2 层和第 3 层使用的的数据到一个共享存储器，该共享存储器由第 2 层和第 3 层共同使用，进行数据的存取（说明书说明书第 2 栏第 45 行至第 6 栏第 25 行，附图 1-4）。权利要求 5 与对比文件 1 的区别为该共享存储器中存储的是分组的一部分而不是整个分组。对比文件 2 公开了一种交换信元的方法，该方法包括分离信元信头的步骤以及存储和处理信元信头的步骤，通过对信头进行处理来交换信元（说明书第 2 栏第 6 行至第 29 行，权利要求 9）。对比文件 2 给出了将上述区别技术特征应用于对比文件 1 中得到权利要求 5 的技术方案的技术启示。因此，权利要求 5 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 6 要求保护一种通过由开放系统互联参考模型建议的层交换分组数据的一种分组处理方法。对比文件 1 公开了一种分组处理方法，该方法通过 OSI 参考模型的第 1、第 2 和第 3 层进行数据交换。该方法包括步骤：存储整个分组到一个分组存储器；和存储第 2 层和第 3 层使用的的数据到一个共享存储器，该共享存储器由第 2 层和第 3 层共同使用，进行数据的存取（说明书说明书第 2 栏第 45 行至第 6 栏第 25 行，附图 1-4）。权利要求 6 与对比文件 1 的区别为该共享存储器中存储的是分组的一部分而不是整个分组。对比文件 2 公开了一种交换信元的方法，该方法包括分离信元信头以及存储和处理信元信头的步骤，通过对信头进行处理来交换信元（说明书第 2 栏第 6 行至第 29 行，权利要求 9）。对比文件 2 给出了将上述区别技术特征应用于对比文件 1 中得到权利要求 6 的技术方案的技术启示。因此，权利要求 6 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 8 要求保护一种交换机，该交换机的组成部份与权利要求 1 的分组处理装置完全相同，只是主题名称发生了变化，而要求保护的实质内容完全一样。基于与权利要求 1 相同的理由，权利要求 8 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 9 要求保护一种分组交换机，该交换机的组成部份与权利要求 2 的分组处理装置完全相同，只是主题名称发生了变化，而要求保护的实质内容完全一样。基于与权利要求 2 相同的理由，权利要求 9 相对于现有技术不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 11 要求保护一种分组交换机，所述第 3 层处理部分在“需要时”更新标题部分表述不清楚，造成权利要求 11 保护范围不清楚，不符合专利法实施细则第二十条第一款的规定。

权利要求 13 引用权利要求 11，其中使用了除附图标记以外的括号并加入了解释性语句，不符合专利法实施细则第二十条第四款的规定。

说明书中存在的问题：

说明书每一部分前面未写明标题，不符合专利法实施细则第十八条第二款

的规定。

说明书中存在语句不清楚的地方，不符合专利法实施细则第十八条第三款的规定。例如，说明书第2页第15行“(B)(B)存取放置……”；说明书第10页第13和14行是一段乱码。

基于上述理由，目前的申请文本由于存在上述缺陷，还不能被授予专利权。申请人应当在本通知书规定的四个月答复期限内按照本通知书提出的审查意见对申请文件进行修改，克服所存在的缺陷，否则将考虑驳回本申请。请申请人注意，修改时应根据专利法实施细则第十八条的规定对说明书进行适应性修改，而且对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。